(1)

NO. 92-1138

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

O. R. KARST

Petitioner,

VS.

JOHN WOODS,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF CALIFORNIA FIRST APPELLATE DISTRICT, DIVISION FIVE

PETITION FOR WRIT OF CERTIORARI

O. R. KARST

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Albany, CA. 94706

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PRO-SE:

45 P

THE QUESTION PRESENTED FOR REVIEW:

NO.I.

A Defendant, in calif Civil Court, Shall have the Venue of His Court, where the action was Commenced.

NO. 2.

The First Order of Business, Shall Be the Venue of Defendant,s Civil Court.

NO. 3.

In Calif Civil Court, An Ex Parte application, Order, Shall require advance notification to the Defendant, Prior to the Signing. -

NO. 4.

In Calif Civil Court, A Defendant, Shall be noticed in advance of His Default, Default Hearing, with proof of Service, to the Court.

NO. 5.

In Calif Civil Court, A Default taken, and a Default Judgment, takin againts a Defendant, Whom was not noticed of His Default, Or its Default Judgment, There Being No Proof of Service

Is Null and Void Default, Default Judgment, A Nullity to its self and as Un Inforcable.

NO. 6.

In Calif Civil Courts, A Defendant Shall have the Right of a Trial, and the Decision there from.

NO. 7.

In Calif Civil Courts, As well as in Federal Justice, That the Lower Court,s, The Appellate Courts, The Supreme Court,s have Held under Govering Laws, That these Courts Shall Provide Relief to any Defendant, The Venue of his Court, Defendant,s right to be Noticed, of any Ex Parte Order, of any Default, of any Default Judgment, of any right to a Trial, To Now Set aside any Default, Default Judgment, Takin by any Court, Where or When the Defendant was not Noticed of the Default, and No Proof of Service.

NO. 8.

In Calif Civil Courts, As well as in Federal

Justice, That the Supreme Court, in the County where Defendant resides, Has Subject Mater Jurisdiction.

NO. 9.

The Honorable U.S.Supreme Court, To Call for an Exercise of there Court,s Power of Suppervision- The Judicial Findings of Facts, That the Calif Courts have Rendered Decision So Far Departed from the Accepted and Usual Course of Judicial Proceedure, or Sanction Such a Departure.

NO. IO.

The Jurisdiction of the Honorable U.S.Supreme Court Is Invoked, This Court,s Power to Secure and Maintain, The Uniformity of Decision of Campainion Cases, Secure State and Federal Judicial Proceedure, Settlement of Question of Law, Federal Statutory Law, U.S.Const. Law.

NO. II.

The Jurisdiction of the Honorable U.S.Supreme Court, To Uphold the Right of a Citizen, Whom has been Denied, Or Can Not Enforce in the Court

of Such State, A Right under the Law Providing His Due Process of Laws, EQUAL Rights, As to have Adbridged His Rights, Statutes, Judicial Proceedures, And Can Not Enforce any Effective Relief therefrom, and the Injury Sustained.

NO. I2.

The Honorable U.S.Supreme Court May, Summary Disposition on the Merits by Per Curiam Opion Reversal of the Judgment Below, In View of the Conflict of the Decisions below, With Past Decision of this Court, Clearly Wrong, But Not Wortly of Oral Argument.

Rule I5. I. (b) Footnote;
" Reference is hereby made, that earlier documents contains the caption of the case in this court and the names of all such parties sought to be reviewed by this court. In addition to the proceeding are party to but not a party of, Mrs Kathleen M. Karst, 9I0 pierce street, Albany, CA. 94706, tele-I-5I0-525-9472.

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TABLE OF AUTHORITES

I. California Constitution.

2. California,s Rules of Court.

3. California,s Appellate Rules.

4. California,s Statutory Laws.

Calif Civil Practice, section 473 (3) (4) 395 a, 396 b, 397 i,203,a I0I0.

5. U.S. Constitution.

6. U.S. Const Amend 5, 7, I4,

7. Title 28 U.S.C. section I443

8. Title 42 U.S.C. sec I982, I983, I988.

9. F.R.C.P. rules, 38,55 (c) (2), 60 (b) (4).

A REFERANCE OF THE OFFICIAL OPINION DELIVERED

BY OTHER COURTS :

Other Calif Courts, Other Federal Courts,

(a) The Venue of Defendant,s Court.

(b) REOUIRED NOTICE, of any EX PARTE ORDER.

(c) REOUIRED NOTICE, of any DEFAULT ORDER.

(d) REOUIRED NOTICE, of any DEFAULT HEARING.

(e) REOUIRED NOTICE, Default Judgment.

(f) REOUIRED, Prefection of a Trial.

(g) Calif Courts, RELIEF FROM DEFAULT JUDGMENT.

Baid v Smith 2I6 ca 408 I4 p2d 749 I932

Crofton v Young 48 ca ap2d 452 II9 I003 I942

Miller v Cortese II0 ca ap2d I0I 242 p2d I952

Winkoven v Winkoven 20I f2d I74 (ca 9 th)

(h) Federal Courts, RELIEF, DEFAULT JUDGMENT.

Edson v Edson I08 mass 590

Harjo v Johnson I87 okla

Reeder v Marshall 2I4 ore

Taft v Taft 252 miss

Walker v Hall I76 ga

Anderson v Tayorcraft I97 dc pa

Loranger v Alban 22 nj

Ashley v Hyde 6 ark

Coltas v Smith 96 ariz

(I) U.S.SUPREME COURT, RELIEF, DEFAULT JUDGMENT

Bass v Hoagland 388 us

Hovy v Elliot I67 us

Mc Donald v Mable 243 us

Winsor v Mc Veigh 93 us

A CONCISE STATEMENT OF THE GROUNDS ON WHICH THE JURISDICTION OF THIS COURT IS INVOKED

NO. I. The Enherant Right, an Absolute Right, an Inherant Power over their own Process, to Prevent Abuse, Oppression, Injustice, So as not to produce futher Hardship, and to do Substantial Justice, to Exercise this Courts Power as to now preserve the Merits, in which the law is well setled and Stable, Fact are not in Dispute.

NO. 2. To uphold the Merit, of any Defendant, whom has been Denied, or can not enforce in the Courts of such state, the Right under any Law providing for his Due Process of the Law, As to have Adbridged his EQUAL Rights, Judicial Procedures, and can not enforce effective Relief, and the Injury Sustained therefrom.

NO. 3. The Calif Courts have Exercised Decision So Far Departed from the Accepted and Usual course of Judicial Proceedure, and at all Time have Sanction such a Departure, A Direct

Conflict with State and Federal Justice, Clearly in Error, An Error of Greater Magnitude, than the Mere Tecknical, Harmless, on the Merit.

NO. 4. To Secure the Merits of this Case, is to Invoke the Uniformity of Decision, any State Judicial Proceedure, Settlement of Judicial Law, The Statutory Bases, To Uphold the Merits of the Calif State Constitution Law, Statues, Rules of Law, and the Injury Sustained.

NO. 5. The Merits of the Injury Sustained therefrom, under Calif Rules of Law, Federal Jurisdiction under the U.S. Constitution, 5th, 7th, I4th Admt, F.R.C.P. rule 55 (c) (2),60 (b) (4).

NO. 6. Certworthy, That the Facts and the Merits in this Case have neaver been, or are they in Dispute, The Situation being is well Settled and Stable. The Judgment Below Flatly Reject the Controlling Authority of our Decision, As To Summarily Reverse Below, on the Merits and the Facts.

DATE OF ENTRY OF THE JUDGMENT SOUGH TO BE REVIEWED.

(I) Aug I9, I992, Calif Supreme Court.

(2) Jun 29, I992,Calif Appellate Court.

(3) May 29, I992, Calif Appellate Court.

(4) Aug 29, I992, Calif Superior Court.

JUDGMENT SOUGH TO BE REVIEWED FROM THE FAR DISTANT SUPERIOR COURTS.

(I) UNNOTICED EX PARTE ORDER JUDGE BOONE

(2) UNNOTICED Denied Venue, "Bettinelli"

(3) UNNOTICED Injunction, "Bettinelli"

(4) UNNOTICED T.R.O. "Betinelli"

(5) UNNOTICED Judgment, "Bettinelli"

(6) UNNOTICED EX PARTE Order "Bettinelli"

(7) UNNOTICED DEFAULT Hearing "Bettinelli"

(8) UNNOTICED DEFAULT, "Bettinelli"

(9) UNNOTICED DEFAULT JUDG. "Bettinelli"

(I0) Entry of Default Judg. "Boone"

(II) Order Denying Default "Murphy"

(I2) Order Satisfaction Default "Sawyer"

(I3) DEFAULT WRIT, Satisfaction "Rosefield"

(I4) DEFAULT WRIT Attorney Fees "Von Der Mehen"

JUDGMENT SOUGH TO BE REVIEWED FROM THE

Calif APPELLATE COURTS.

(I) SUSTAINS, Unnoticed EX PARTE ORDER, "Boone"

(2) SUSTAINS, Denied Venue, Order "Bettinelli"

(3) SUSTAINS, UNnoticed Injunction "Bettinelli"

(4) SUSTAINS, Unnoticed T.R.O. "Bettinelli"

(5) SUSTAINS, Judgment Plearing "Bettinelli"

(6) SUSTAINS, Unnoticed EX PARTE "Bettinelli"

(7) SUSTAINS, Unnoticed Default "Bettinelli"

(8) SUSTAINS, DEFAULT, "Bettinelli"

(9) SUSTAINS, DEFAULT JUDGMENT "Bettinelli"

(I0) SUSTAINS, DEFAULT ENTRY "Boone"

(II) SUSTAINS, DENINY DEFAULT, "Murphy"

(I2) SUSTAINS, Satisfaction Default, "Sawyer"

(I3) SUSTAINS, Satisfaction Writ "Rosenfield"

(I4) SUSTAINS, Satisfaction Fees, "Von Der Meh"

(I5) SUSTAINS, DENIED JURISDICTION, "Schwartz"

JUDGMENT SOUGH TO BE REVIEWED FROM THE CALIF SUPREME COURT.

(I) SUSTAINS, UNNOTICED EX PARTE ORDERS.

(2) SUSTAINS, Denied Venue Order.

(3) SUSTAINS, UNNOTICED INJUNCTION ORDER.

(4) SUSTAINS, UNNOTICED T.R.O. ORDER.

(5) SUSTAINS, Judgment on Pleadings.

(6) SUSTAINS, UNNOTICED DEFAULT.

(7) SUSTAINS, UNNOTICED DEFAULT JUDGMENT.

(8) SUSTAINS, Satisfaction Default.

(9) SUSTAINS, Satisfaction Writ.

(IO) SUSTAINS, Satisfaction Attorney Fees.

(II) SUSTAINS, DENIED JURISDICTION.

VERBATIN, CONSTITUTIONAL PROVISION, STATUTES, APPRORIATE CITATIONS.

I. The U.S.CONST, Articule III, "Judiciary"

2. 5th Amend., "Due Process of Law"

3. 7th Amend. "Civil Trial"

4. I4th Amend."EQUAL RIGHTS"

5. Title 28, U.S.C.sect I443, "Reconed to U.S.Ct.

6. Title 42 U.S.C.sect I982,"Property Rights"

7. Title 42 U.S.C.sect I983 "REDRESS"

8. Title 42 U.S.C.sect I988 "Vindiction"

9. F.R.C.P. rule 38, "Jury trial"

I0. F.R.C.P. rule 55 (c) (2) "Set Aside Default"

II. F.R.C.P. rule 60 (b) (4) "Relief"

I2. Calif C.C.P.sect 473 "Relief" "Default"

A CONCISE STATEMENT OF THE CASE CONTAINING THE MATERIAL FACTS TO THE CONSIDERATION OF THE QUESTION PRESENTED :

I am O. R. KARST, the Petitioner, In this Petition for a Writ of Certiorari, From the State of Calif. This Case has been ungoing for the last IO years, with thousands and thousands of pages in the records. I am familiar with the case, as all action was directed againts me, the Defendant, Material Facts to the Consideration of the QUESTION PRESENTED will be from the Court Records, Here in discussed by me, With an Eye to tell the Trueth, and nothing but the Trueth, In the shortest way that I know, In the begining, of this Case, I was served with Summons, that a complaint had been filed againtsme in a Far Distant Calif Superior Court, That I was named as the Defendant, That I was REQUIRED to answer this complaint within a certain time. I Answ-ered the complaint on time, in the Far Distant

Court, Denying each and every Allegation of the complaint, Signed the Answers in MANUCRIPT of my own hand. In Calif rule of Court, A Defendant is entitled to the Venue of his Court, The county in which he resides at the commencement of the action having lived in my Calif County for the last 43 years, I Filed a Motion for an Order of a Change of Venue, of the Superior Court in the counrt in which I reside, With Memorandum of points and authorities, Under Calif Civil Practice, Now Set to be Heard in the Far Distant Court. In Calif rules of Court, The First Order of any Court business SHALL be the Venue of Defendant,s Court, The First Order of Business in the Far Distant Court should have been the Venue of Defendant to Transfer to Alameda County, My Home County for the last 43 Years. This Action the First Order of Business the Venue of Defendant,s Court was neaver to happen, On the Face of IT, One could Say, Under

Calif Rule of Court, That it could neaver happen, But I Say it Did Happen, My Venue Was Aborted, in the Far Distant Court. Plaintiff,s Attorney is aware, Defendant has a Motion for Order of change of Venue, Set to be Heared in the Far Distant Court, Which would Transfer the Action to Alameda County, Plaintiff,s Attorney now "Falsely" protrude a "Scheme" with the "Help" of the Far Distant Court, It is "Schemed Out" That Plaintiff,s attorney prepared an "EX PAR-TE APPLICATION-ORDER" ahead of the "Date" of the date of the hearing of Defendant,s Venue, To have a Far Distant "JUDGE" to "SIGN" this Appl-ication-Order, With out any "NOTICE" given to the Defendant as "REQUIRED" under the Calif rule of Court, That I Could "DEFEND" againts this "EX PARTE ORDER", now set to be heard by a Far Distant Judge, This Ex Parte Order now "SIGNED" by a Far Distant Judge "FALSE SCHEME" that my signature in Manuscript of my own hand, "VIOLATES"

Court Rules, (not true) and therefore my Answers can not be excepted or honored in Court, (not true) He says I had agreed to each and every allegation of the complaint, (not true) Therefore Plaintiff now be awarded a Judgment on the Complaint, This "JUDGE" also order a "Temorary Restraining Order. Now "RESTRAING" me to the Venue of the Far Distant Court, That this Court also awarded a Preliminary "INJUNCTION" againts me, That for bids me to EXercise my Due Process of Law, In the "EX PARTE ORDER" now Heard in the Far Distant Court, That the Far Distant Court Judge knew or should have known, That the First Order of any action Shall be the Venue of my Court, Yet his hearing he Ordered my answers be stricken, Ordered a Restraing Order againts me, Ordered a Preliminary Injunction againts me QUashed the change of Venue in his Court, One can assess at this point in Time That the Injustice that has come to pass, is now and forever a part

of this Charade of Justice, As I now point out My Venue has been Aborted, My answers have been Aborted, I am Restrained by Court Ordered T.R.O. to the Far Distant Court, Restrained by a Court Ordered Tempory Injunction to the Far Distant Court. None the less, I again filed my Answers to the Compaint, for the second time Again Denying each and every allegation, signed my answers in Manuscript of my own hand, and file them in the far Distant Court as Ordered. Again Plaintiff,s attorney "FALSE PROTRUDE" a "SCHEME" with the "HELP" of the Far Distant Judge, It is Scheme out that Plaintiff,s attorney Prepare an "EX PARTE APPLIC- ORDER NUMBER 2", Again have a Far Distant Judge to "SIGN IT", again failing to Notice me of this Ex Parte Order, As REQUIRED by rule of Court, Again this Ex Parte Order, Signed by a Judge of the Far Distant Court, "FALSE SCHEME" that my answera be stricken for the second time, That I be Declared in Default, and

that a Default Judgment be Ordered, and to fix attorney,s fees, and that a copy of this Order, SHALL BE SERVED on Me by Delivering a Copy of it together with a Copy of the Attached Notice at least five Days Prior of Said Hearing, Set to be heard. That Plaintiff,s attorney was in contempt of the Far Distant Court,s Order, In that Plaintiff,s attorney Failed to Delever the Copy of the Attached Notice, Or a Copy of this Order to me, That he Failed to Notice me of my Default, Default Judgment, That he failed to Notice me of my Default Hearing, No Proof of service as REQUIRED Rule of Court. That the Far Distant Judge was in Contempt of his Own Order, That he had Ordered, That I SHALL BE NOTICED AT LEAST FIVE DAYS PRIOR to the Hearing, That the Far Distant Judge was again in Contempt of His Court, When He held My Default Hearing, A Defau-lt Hearing that I had not been Noticed to be there, and I was not there for this Reason. At

this "UN NOTICED DEFAULT HEARING", That the Judge Ordered my answers Stricken from the records for the Second time, Orered me in Default, Orders an Default Judgment againts Me, Orders that the Default Judgment be entered into the Court,s book of Judgment. It should be Noted at this time, That under Calif rule of law, That the Courts SHALL provide Relief, SHALL Set Aside a Default, Default Judgment, Taken at an Un Noticed Default Hearing, Like Mine, And That Any Judgment taken at an Un Noticed Default,"SHALL BE NULL AND VOID" Unenforable as to the Law. That Plaintiff,s attorney "SCHEME" has left this case in ths Venue of the Wrong Court, Has left this Case with out a Trial, Has a Judgment of No Standing, Attorney fees to this Injustice, That now begins the Saga of my Litigation in Appeal, I am armed with Litigation up to the Limits, The Merits of every Issue is on my Side, "UN-QUESTIONABLE THE LAW IS ON MY SIDE". That

under Calif rules of Court, That their Courts SHALL provide Relief, SHALL SET ASIDE, SHALL VOID, Other Calif Courts give Relief under Calif rule of Courts, But Not The Far Distant Court, Whom has Restrained me to their Court, Not the Appellate Court, Division five, Not the Calif Supreme Court. The Foundation, The Merits of my appeal to the Appeals Courts,are that The Merits, The Facts are not in Dispute, That the Decision below is clearly in Error, All Courts Inherent Right to Prevent Abuse, Oppression As Not to Produce Hardship, and to do Substantial Justice, Listed in Detail, That the Law is on my Side, The Venue of the Wrong Court, By a Restraing Judge, The Injustice of Striking my answers, My Default taken at an Un Noticed Default Hearing againts me, My Default Judgment taken at an Un Noticed Default Hearing, My Default judgment is Null and Void, and Unforceable as to Law, No Proof of Service, No Trial, All

Courts Shall Set Aside a Default Taken at an Un Noticed Hearing, That the Facts are Not Held in Dispute, The Facts and the Merits are Protected and Preserved. My First Appeal, Going to the Far Distant Superior Court Judge, Whom Merely lends his "SIGNATURE OF DENIAL" (to a six page document, typed up by plaintiff,s attorney presented to him for signature) That again Falsefied the contents ofmy case, Along with (a two page document) which the same Judge signed Falsefied, Holding Me in Contempt of his Court, that carries a Two Day Jail Sentencs, unless I pay a Large Fine to the Court, (Ipaid the Fine) To Sanction, To Render Decision, So Far Departed from the Accepted and Usual Course of Judicial Proceedure, As To DEni. My Appeal.

My second Appeal, to the Court of Appeal, First Appellate Court, Again the Foundation, the Merit of my Appeal, as listed above,are Briefed to this Court, this Court merely Dening each and every

step along the way, ATTRIBUTED in some way of the clerk using the Ruber Stamp, ATTRIBUTED in some way, by use of Plaintiff attorney,s Motion to Dismiss, Which permits the Presiding Judge to dismiss in the Private of his office (with out determination) ATTRIBUTED in some way to an abdonment, ATTRIBUTED in some way, to only a single Judge (ruber stamp), To Sanction, To Render Decision So Far Departed from the Accepted and Usual Course of Judicial Proceedure, As to Dismiss, To Deni my Appeal. The Third Appeal, to the Supreme Court of Calif, Again, The Foundation, The Merits of my Appeal, As Listed above, are always briefed to this Court, This Courts merely lends to my Appeal, To Deni, each and every step along the Way, ATTRIBUTED, in some way of the clerk using a Ruber Stamp, ATTRIbuted, in some way of a Single Judge (in ruber stamp), To Sanction, To Render Decision So Far Departed from the Accepted and Usual Course of

Judicial Proceedure, As to Deni, my Appeal. Plaintiff,s Attorney now needs cash, even thou, I have paid this Attorney in full,as Ordered by the Far Distant Court, and there is no balance due him, Plaintiff,s Attorney Merely "FALSE-fied a COUNTERFEIT" a Writ of Execution, Counterfeit money Levy, The Far Distant Clerks, The Far Distant Judge, are Most Eager to "SIGN" these "BOGUS" Documentation, these "BOGUS" document allow Plaintiff,s Attorney to Remove from my Cash Account the Sum of $ 6I45.54, With the money removed, I Appeal to the Far Distant Judge, Whom Merely Denied My Appeal, I File in Alameda County Superior Court, The County in which I reside, To Set Aside, This "COUNTERFEIT TRANSACTION" Not in Dispute are the Facts of the Case, The Merits of the Case Preserved and Protected, My Far Distant Court, My Un Noticed Default, My Un Noticed Default Hearing, My Un Noticed Defavlt Judgment, A Null and Void Default Judgment,

No Trial, Decision So Far Departed from the Accepted and Usual Course of Judicial Proceedure, And This Courts In Herent Right over their own Process to Prevent Abuse, Oppression, Injustice, So as not to Produce Hardship, and to do Substantial Justice, ATTRIBUTED to the Fact, That there was no apperance, No papers, No Defense what so ever, An Abandoment by Plaintiff attorney, This Court Now Denied,claiming lack of Jurisdiction. Now to the U.S. Supreme Court, "FORGOTTEN" but Preserved is the Fact, That Property that belongs to another Person, Who is a Party to, But Not a Party Of, Has had Her Property Sized and Sold, and the Money Used to pay Plaintiff,s attorney, No Money has been paid her, She Being One-Haft Owner, "A VERY INPORTANT FACTS REMAINS", That before the Property was Sized and Sold, I placed A Recorded "LIS PENDENS" againts this Property, This Legal Document is still in Force, Which has the effect that the

Title of this Property is in a Legal Cloud, That it has not been cleared up in the County (Tuolumne county) where the Property is Located. "FORGOTTEN BUT PRESERVED IS THE FACT" That the Law is on My Side, That I am the Recipient Of, An Act of Provoking an Evil Causation, My Self in Physcial Abuse, Judicial Rape, Judicial Mal Practice, Judicial Wrong Doing, Unlawfull Judicial Proceedings, Abandoment of Judicial Laws, Betrayed Systerm of Justice, Imprisoned to a Far Distant Court, Judicial Deception, Evil Judicial Practice, Prejudice Judicial, Comitted Judicial Perjury, Infilltration of Dirty Hands, Defeciencies of Accountability, Integrity, Oath of Office, Color of their Robe.

"FORGOTTEN BUT PRESERVED" Is the Fact on the side of the Law, "STAND A FRIEND OF THE COURT" I spent Ten Years of my Life, To Set Aside this Evial Causation, The untold hours, To Befriend the Court, The Untold Humiliation, The Troub-

lesome, Harassing, Vexation, That I Encounted, The Conflict, The Battle, To Befriend the Courts, To Set Aside, My Time Has Not Run Out, Only the Courts Time has run out, That Now Brings the Honorable U.S. Supreme Court, To the Last Court, (if you will), Think about it, In the Courts Below, are the Judges, Whom have Sanction the above Listed Evil Causation, Surely you do not want to add My County Highest Court to this List, "BLESSED", There is a Solution, That is both Sensible and Fair, This Case is "CERTWORTHY" in View of the Conflict of the Decision Below,With past Decisions of this Court, This Honorable U. S. Supreme Court May Wish to Consider Summary Reversal, Clearly Wrong, But Not Worthy of Oral Arguement, That the Judgment Belaw, Flatly Rejects the Controlling Authority of Our Decisions, Usually reserved by this Court, For Situation in which the Law is well Settled, and Stable, The Facts are not in Dispute, The Merits of the

Case is also not in Dispute, and the Decision Below is Clearly in Error, An Error of Great Magnitude is Both Fair and Sensible.

Revoke all the Action Below, of the Lower Courts, In Its Entirety, That Would Now Return the Sized Property in Tuolumne County, Calif, The One-Half Ownership of the Party of, but Not a Party of, To Her Rightfull Ownership, Return the Sized Property in Tuolumne County Calif, To the other one-half to Mr Woods, the Plaintiff, That would now, under the terms of the recorded "LIS PENDEN" in Tuolumne County, Calif, the other one- half ownership, SHALL now Pass From MR Woods To MR Karst, upon Escrow, Bill of Sale. All Monies returned to their Right Full Source.

"AFFIDAVIT" : I declare, that the fore going appeal, the contents there of is true and correct of my own knowledge, execpt as to matters which are here in stated upon my information and belief, and as to those matters, I believe

it to be true, I declare, under penalty of the Laws, That the fore going is true and Correct, executed with signature to this appeal,

Respectfully By, O. R. KARST.

O. R. Karst

A REVIEW: OF THE JUDGMENT OF THE STATE COURTS AT WHICH THE FEDERAL QUESTION WHERE RAISED.

I. No-Trial, Decision therefrom.

2. Venue, Defendant,s Wrong Court.

3. UN_NOTICED, (a) Ex Parte, Application, Orders.

(b) Default, Default Hearing, Default order, Default Judgment, An Void Default Judgment.

4. State Courts Have Sanction:

(a) Direct conflict with State and Federal, Justice, (b) Defendant,s No-Trial, (c) Venue of Defendant, (d) Un-Notice Defendant,s Ex-Parte orders, Default, Default Hearing, Default Judg, Void Judgment, Unenforceable Judgment, Have Rendered Decision So Far Departed from the Accepted and Usual Course of Judicial Proceedure

5. Is The Denial of "SUBJECT MATTER JURISDICTION" Of both State and Federal Justice

ARGUMENT AMPLIFYING THE REASON RELIED ON FOR THE ALLOWANCE OF THE WRIT

NO.I. It being a Fact, That the Far Distant Superior Court, Calif Appellate Courts, Calif Supreme Court, All Rendered Decisions So Far Departed from the Accepted and Usual course of Judicial Proceedure, and at all Times have Sanction such a Departure, A Direct Conflict with State and Federal Justice, That they up to this time Sanction a Defendant to a Far Distant Court Defendant,s Wrong Court, To have Incarcerated Him to the Holding of Solitary Confinement to a Far Distant Superior Court, By all the Lower CTS.

NO. 2. It being a Fact, To Sanction Un-Noticed Ex-Parte, Applications, Orders, Default, Default Hearing, Default Judgment, A Direct Conflict with State and Federal Justice, They have up to this time Sanction this Injustice.

NO. 3. Sanction an Void Un-Noticed Default Judgment, This Judgment Translate under State

and Federal Justice, As a Judgment that is Null and Void, a Nullity to Its Self, as Un-In forceable under the Law, They have up to this Time Sanction this Injustice.

NO. 4. Sanction the Fact, That the Defendant was Not Affored the Right to a Trial, There was no Trial, The Sanctioned Default Judgment was based on Allegation of a Complaint that was Denied on each and every allegation, That Translates that Defendant,s Assets where falsely taken, Striped of the Property, Held in Captive to a Far Distant Court, Deprived of all his State and Federal Rights, That the Lower Courts have up to this time Sanction this Injustice.

NO. 5. Sanction the Continued "BASHING" of this Defendant in the Far Distant Court, and the Calif Lower Courts.

NO. 6. Sanction; The Continued Complicty of the " SECRET ORDER OF THE JUDGES" in the Calif Lower Courts.

NO. 7. Sanction; the Continued Complicty of the "MALPRACTICE" of the Calif Lower Courts.

NO. 8. This "HONORABLE U. S. SUPREME COURT",

(a) As to Exercise this Courts Power of Supervision, That this Case is Plagued with State and Federal Injustice.

(b) The Lower Courts Have Rendered Decisions So Far Departed from the Accepted and Usual Course of Judicial Proceedures.

(c) The Lower Courts Have Rendered Decisions of Court Malpractice.

(d) To Restore the Credibility of the Judicial Systerm, In the Calif Lower Courts.

(e) The Abuse of the Calif Lower Courts, Stops with This "HONORABLE U. S. SUPREME COURT"

NO. 8. The Honorable U. S. Supreme Court, Has Subject Matter Jurisdiction, To Secure the Uniformity of Decision, Settlement of QUESTION of Laws, To Secure Calif Lower Courts Judicial Proceedue, Secure the U.S.Supreme Courts Inher-

ant Right, An Inherant Power over their own process, To Prevent Abuse, Oppression, Injustice, So as Not to Produce Hardship, To do Substantial Justice.

NO. 9. This Case is Certworthy, In View of the Conflict of the Decision in Calif Lower Courts, With Past Decision of this Court, This Honorable U. S. Supreme Court May Wish to Consider Summary Reversal, Clearly Wrong, But Not Worthy of Oral Arguement, That the Judgment Below, Flatly Rejects the Controlling Authority of Our Decisions, Usually Reserved by this Court, For Situation in which the Law is Well Settled, and Stable, The Fact are not in Dispute, The Merits of the Case are not in Dispute, And the Decision below is Clearly in Error, An Error of Great Magnitude, Is Both Fair and Sensible.

NO. IO. This Case, Has a Filed, and Recorded A "LIS PENDENS" in Tuolumne County, Calif, in Which Plaintiff Mr Woods interest Shall now pass

to Defendant Mr Karst, Upon Escrow and Bill of Sale, This Lis Pendens Still Stands.

NO. II. Revoke All Action in the Lower Calif Courts, In Its Entirety, Summary Reversal, Clearly Wrong, But Not worthy of Oral Arguement.

Respectfully Submitted

By, O. R. Karst

O. R. KARST
910 Pierce Street
Albany, Calif 94706
tele-I-510-526-8500
PRO-SE.

APPENDIX

APPENDIX : TABLE OF CONTENTS : I.

Appellant,s Petition For Revieww 2.

Appellant,s Petition Fot Rehearing 3.

Judge Schwartz,s Minute Order 4.

Sonoma County No I3II22 Default 5.

Tuolumne County, Recorded Lis- Pendens 6.-7.

FIRST APPELLATE DISTRICT, DIVISION FIVE, A055114.

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK S027452

O. R. KARST, Appellant,

V.

John Woods, Respondent.

BY THE COURT:

Appellant,s petition for review DENIED.

SUPREME COURT FILED AUG 19 1992

/s/ LUCAS, Chief Justice.

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE FIRST APPELLATE DISTRICT

DIVISION FIVE, No. A055II4

Alameda County Superior Court No. 6837668

O. R. KARST, Plaintiff/ Appellant,

V.

JOHN WOODS, Defendant/ Respondent.

BY THE COURT:

Appellant,s motion for reconsideration of appellant,s appeal is to be treated as a petition for rehearing. The petition for rehearing is denied.

FILED JUN 29 I992, Court of appeal first App Dist.

/s/ HANING, ACTING P. J.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA, DEPT. ONE

Date: August 29, I99I, Hon HOWARD SCHWARTZ JUDGE

JOHN WOODS, Plaintiff, No Appearance

O. R. KARST, Defendant.

Nature of Proceedings; MINUTE ORDER No. 683766-8.

Motion to set Aside, Denied on the grounds of

Lack of jurisdiction.

By; /s/ Susan Clifton, Clerk, Department One

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SONOMA NO. I3II22

JOHN WOODS, PLAINTIFF

V.

O. R. KARST, DEFENDANT.

BY THE COURT: UN NOTICED DEFAULT, DEFAULT JUDG.

RECORDED, VOL 737 page I04,I984 JAN I0, OFFICIAL RECORDS, TUOLUMNE COUNTY CALIF: Lis Pendens,

O. R. KARST, 9I0 Pierce St Albany, Ca. 94706

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

NO. I3II22,

JOHN WOODS, PLAINTIFF,

V.

O. R. KARST, DEFENDANT,

NOTICE OF ACTION PENDING: CCP section 409.

Please take Notice that this Action was commenced on 9-I4-83 by John Woods Plaintiff againts O. R. Karst Defendant and is now Pending, in the Named Court. Defendant O. R. KARST Seeks relief in this Action affecting TITLE To Real Property in Tuolymne County, Calif Commonly know as Lot I42, Rustic Road, Pinecrest Calif and described, as follows, Also known as Assessors Parcel No. 25-20I-03, Recreation Residence Authorized by U.S. F.S. Term Special Permit. The object of this Cross-Action IS; Plaintiff is only one- Half Owner, concerning the Real Property,and by

signed Agreement Dated 5-29-77, Agrees, If the Need To Sell Shall Arise, between either owner they Shall sell to the other Owner upon written Notice. This Notice was given to Plaintiff Woods. THERE FORE Plaintiff WOODS INTEREST SHALL Now Pass to Defendant O. R. KARST Upon Escrow and Bill of Sale, All Cash, BY O. R. KARST.

DATED DECEMBER 2i I983.

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